

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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CARL HENRY OLSEN, III,

Case No. 3:15-cv-00367-MMD-WGC

Petitioner,

ORDER

v.

ROBERT LeGRAND, *et al.*,

Respondents.

This action is a *pro se* petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254 by a Nevada state prisoner.

Petitioner has filed a motion to proceed *in forma pauperis*. (ECF No. 1.) Based on the information regarding petitioner's financial status, the Court finds that the motion to proceed *in forma pauperis* should be granted.

The petition in the instant action challenges petitioner's state conviction in the Eighth Judicial District Court for the State of Nevada, Case No. C92356. Petitioner previously challenged the same conviction in this Court, filed under case number 2:91-cv-00610-PMP-RJJ. The petition in case number 2:91-cv-00610-PMP-RJJ was dismissed by order filed March 11, 1992. (ECF No. 13 in 2:91-cv-00610-PMP-RJJ.) Judgment was entered on March 12, 1992. (ECF No. 14 in 2:91-cv-00610-PMP-RJJ.)

A successive habeas petition may not be filed in this Court unless the petitioner has obtained permission from the Ninth Circuit Court of Appeals. See 28 U.S.C. § 2244(b)(3)(A) ("Before a second or successive application permitted by this section is filed in the district court, the applicant shall move in the appropriate court of appeals for

1 an order authorizing the district court to consider the application.”). Petitioner has made  
2 no allegation or showing that he has obtained such permission from the Court of  
3 Appeals. Therefore, this action will be summarily dismissed.

4 It is therefore ordered that the application to proceed *in forma pauperis* (ECF No.  
5 1) is granted. Petitioner is not required to pay the filing fee for this action.

6 It is further ordered that the Clerk of Court shall separately file the petition, which  
7 is attached to the application to proceed *in forma pauperis*.

8 It is further ordered that petitioner’s motions, submitted with the petition at ECF  
9 Nos. 1-2, 1-3, 1-5, and 1-6 are denied.

10 It is further ordered that the Clerk of Court shall add Adam Paul Laxalt, Attorney  
11 General of the State of Nevada, to the CM/ECF docket, as counsel for respondents.  
12 The Clerk of Court shall electronically serve respondents with a copy of the habeas  
13 corpus petition and a copy of this order. Respondents need take no action with respect  
14 to this case.

15 It is further ordered that this action is dismissed without prejudice as a  
16 successive petition.

17 It is further ordered that petitioner is denied a certificate of appealability.

18 It is further ordered that the Clerk enter judgment accordingly.

19 DATED THIS 12<sup>th</sup> day of July 2016.

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22 MIRANDA M. DU  
23 UNITED STATES DISTRICT JUDGE  
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